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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,066

03/31/2004

Douglas J. Zabawa

EH-10469A

5512

7590

06/30/2005

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EXAMINER

WHITE, DWAYNE J

ART UNIT

PAPER NUMBER

3745

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/814,066
Filing Date: March 31, 2004
Appellant(s): ZABAWA, DOUGLAS J.

Kenneth C. Baran
For Appellant

EXAMINER'S ANSWER

MAILED
JUN 30 2005
Group 3700

This is in response to the appeal brief filed 23 May 2005 appealing from the Office Action
mailed 04 May 2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1 and 2 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

Art Unit: 3745

(9) Prior Art of Record

4,417,854

Cain et al.

11-1983

(10) Grounds of Rejection

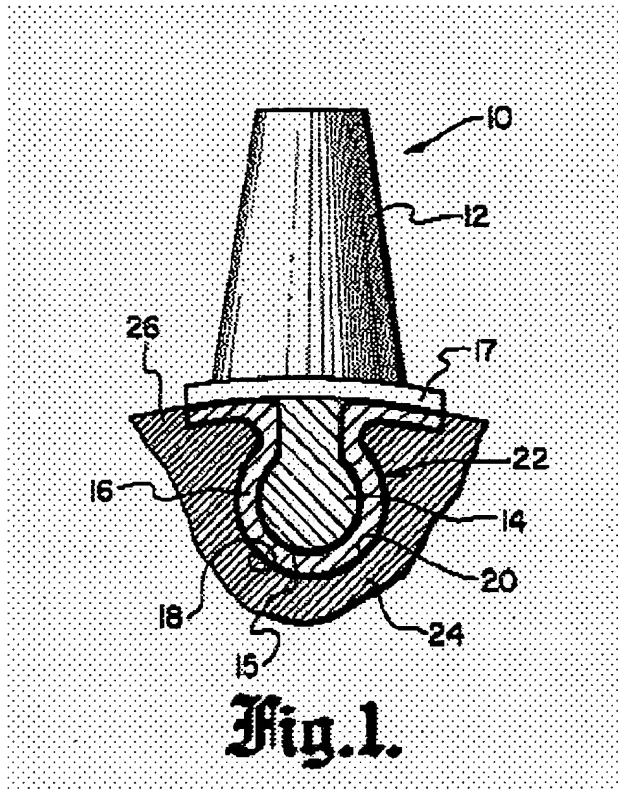
The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 and 2 are rejected under 35 U.S.C. 102(b). This rejection is set forth in a prior Office Action, mailed on 4 May 2005.

(11) Response to Argument

Argument.

In the argument labeled *Rejections under 35 USC § 102(b)*, Appellant argues the applied reference does not disclose each and every element as set forth in the claim. Specifically, Appellant states that the Cain et al. reference does not disclose a blade with an attachment having a rounded end, proximal or otherwise. Rather, the rounded feature of the reference attachment is cylindrical surface 18 facing the interior surfaces 20 of the footing 22 (Column 2, lines 64-66). Appellant further argues that the lead line of 88 of Appellant's Figure 12A is analogous with the lead line of 14 (referred to as the root flange; Column 2, line 63) of the Cain et al. reference and therefore defines the proximal end in the claim language as being that particular surface. Referring to Figure 1 of the reference, it is clear that the root flange 14 is rounded and there is no indication that the shape of the flange changes as the blade root extends from the proximal to the distal ends.



Nowhere in the claim language does Appellant define the proximal end as being the end *surface* at the end of lead line 88. In fact, Appellant's specification states "The attachment also extends from a proximal end 88 to a distal end 90, the proximal end being the end intended to be proximate the load transfer element" (Page 12, lines 19-22). The attachment 14 of Cain et al. inherently has a distal and proximal end. Since the profile as shown in Figure 1 is rounded then both the distal and proximal ends are rounded.

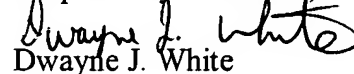
As note in MPEP § 2111, during examination, claims are given their broadest reasonable interpretation consistent with the specification. However it is not proper to read limitations appearing in the specification into the claim when limitations are not recited in the claim. See *In re Paulsen*, 31 USPQ2d 1671 (Fed. Cir. 1994). Appellant has not defined the proximal and distal ends beyond their customary meaning but merely has set forth the starting point for which the proximal end is

Art Unit: 3745

defined. The Examiner maintains the position that even based on the specification, the terms distal and proximal ends to not inherently mean end surfaces as Appellant argues.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Dwayne J. White

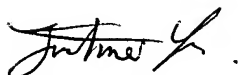
Patent Examiner

Art Unit 3745

DJW

June 24, 2005

Conferees



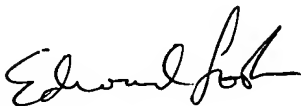
Justine Yu



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